

REMARKS

Reconsideration of the present application as amended is respectfully requested. Claims 11 and 18 have been amended to include features from dependent claims 12 and 19, respectively. Claims 12 and 19 have been canceled. Applicant respectfully submits that the amendments made to the claims have not added new matter, and that no additional search is necessary for their consideration. Claims 11, 13-18, and 20-25 are currently pending in the application.

Claims 11-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over assertedly-admitted art in view of U.S. Patent No. 4,297,643 to Pearson, Jr. (“Pearson”). Pearson discloses a coupling network for transferring electronic signals from an output of a first stage to an input of a second stage. The coupling network includes a resistor, a capacitor, and circuit means electrically connecting the resistor in series with the capacitor between the output of the first stage and the input of the second stage. This arrangement is described as providing means for transferring an electronic signal from one stage to another stage with a maximum of power transfer and a minimum of noise transfer in the signals being transferred.

Independent claim 11 has been amended to include features from dependent claim 12, which has now been canceled. Applicant respectfully submits that the cited art fails to teach, suggest, or render obvious at least one of the distinguishing features of amended independent claim 11, namely, wherein a value of the at least one resistor is selected so as to minimize noise generated by a buzzer. Applicant respectfully submits that Pearson is silent with respect to a buzzer and noise generated by the buzzer. Pearson discloses a resistor in series with a capacitor between an output of a first stage and an input of a second stage. The resistance of the resistor is described as preferably 1/3 to 1/2 the value of a grid leak resistor of a second amplifier stage. However, the resistance is not selected so as to minimize noise generated by a buzzer. Moreover, Pearson appears to disclose minimizing unwanted noises in electronic signals, and in no way discloses minimizing noise generated by a buzzer.

In addition to the above, the cited art fails to teach, suggest, or render obvious a buzzer noise that is minimized via a generated acoustic output which is opposite in polarity and equal in magnitude to buzzer noise. In contrast to claim 11, Pearson appears to disclose

minimizing unwanted noise in electronic signals. Pearson in no way discloses minimizing a buzzer noise via a generated acoustic output which is opposite in polarity and equal in magnitude to the buzzer noise.

The Office Action has asserted that the feature of minimizing a buzzer noise via a generated acoustic output which is opposite in polarity and equal in magnitude to the buzzer noise of independent claim 11 would have been obvious to a person of ordinary skill and has attempted to take Official Notice in support of same. Applicant respectfully submits that the Office Action has improperly attempted to rely on conclusions based on an assessment by the Examiner of what would be basic knowledge or common sense in the relevant art. Such reliance is improper in the absence of sufficient supporting evidence. Applicant respectfully submits that the Examiner must point to some concrete evidence in the record in support of the assertion by the Office Action that this feature of independent claim 11 is obvious. *See, e.g., In re Zurko*, 59 U.S.P.Q.2D 1693 (Fed. Cir. 2001). Applicant respectfully submits that this evidence has not been presented and requests that it be presented by the Examiner. If further elaboration of this point is deemed necessary or appropriate by the Examiner, Applicant respectfully requests that the Examiner contact the undersigned via telephone.

For at least the reasons set forth above, Applicant respectfully submits that independent claim 11 distinguishes over the cited combination. Withdrawal of the rejection of independent claim 11 as obvious is respectfully requested.

Dependent claims 13-17 depend from and further limit independent claim 18 in a patentable sense. For at least the reasons set forth above, Applicant respectfully submits that each of dependent claims 13-17 also distinguish over the cited combination. Withdrawal of the rejection of claims 13-17 is respectfully requested.

Independent claim 18 has been amended to include features from dependent claim 19, which has now been canceled. Applicant respectfully submits that the cited combination fails to teach, suggest, or render obvious at least one of the distinguishing features of amended independent claim 18, namely, selecting a value of at least one resistor so as to minimize noise generated by a buzzer. Applicant respectfully submits that Pearson is silent with respect to a buzzer and noise generated by the buzzer. In addition, Applicant respectfully submits that while

Pearson discloses a resistor in series with a capacitor between an output of a first stage and an input of a second stage and the resistance of the resistor is preferably 1/3 to 1/2 the value of a grid leak resistor of a second amplifier stage, the resistance is not selected so as to minimize noise generated by a buzzer. Pearson appears to disclose minimizing unwanted noises in electronic signals, but in no way discloses minimizing noise generated by a buzzer.

In addition, the cited combination fails to teach, suggest, or render obvious the step of minimizing a buzzer noise via an acoustic output which is opposite in polarity and equal in magnitude to the buzzer noise. In contrast, Pearson appears to disclose minimizing unwanted noises in electronic signals. Pearson in no way discloses minimizing a buzzer noise via a generated acoustic output which is opposite in polarity and equal in magnitude to the buzzer noise.

The Office Action has asserted that the feature of independent claim 18 of minimizing a buzzer noise via a generated acoustic output which is opposite in polarity and equal in magnitude to the buzzer noise would have been obvious to a person of ordinary skill and has attempted to take Official Notice in support of same. Applicant respectfully submits that the Office Action has improperly attempted to rely on conclusions based on an assessment by the Examiner of what would be basic knowledge or common sense in the relevant art. Such reliance is improper in the absence of sufficient supporting evidence. Applicant respectfully submits that the Examiner must point to some concrete evidence in the record in support of the assertion by the Office Action that this feature of independent claim 18 is obvious. *See, e.g., In re Zurko*, 59 U.S.P.Q.2D 1693 (Fed. Cir. 2001). Applicant respectfully submits that this evidence has not been presented and requests that it be presented by the Examiner. If further elaboration of this point is deemed necessary or appropriate by the Examiner, Applicant respectfully requests that the Examiner contact the undersigned via telephone.

For at least the reasons set forth above, Applicant respectfully submits that independent claim 18 distinguishes over the cited combination. Withdrawal of the rejection of independent claim 18 as obvious is respectfully requested.

Dependent claims 20-24 depend from and further limit independent claim 11 in a patentable sense. For at least the reasons set forth above, Applicant respectfully submits that

each of dependent claims 20-24 also distinguishes over the cited combination. Withdrawal of the rejection of claims 20-24 is respectfully requested.

Claim 25 stands rejected under U.S.C. § 103(a) as being unpatentable over allegedly-admitted prior art in view of Pearson and further in view of U.S. Patent No. 6,445,937 to daSilva (“daSilva”). daSilva relates to improvements in managing battery power consumption in mobile telephones. daSilva incorporates special circuitry and software into a design of a standard mobile telephone unit. A power control subsystem device may be incorporated into an integrated circuit (IC), an application specific integrated circuit (ASIC), or a digital signal processor (DSP).

Applicant respectfully submits that the addition of daSilva to the cited combination fails to teach, suggest, or render obvious at least one of the distinguishing features of amended independent claim 25, namely, a generated acoustic output that is opposite in polarity and equal in magnitude to buzzer noise generated in a communication device due to a non-constant current and canceling the noise via the generated acoustic output.

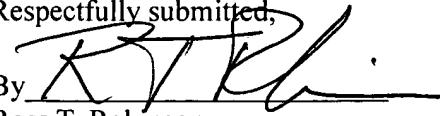
Moreover, Pearson and daSilva, alone or in combination, fail to teach, suggest, or render obvious minimizing a buzzer noise via a generated acoustic output which is opposite in polarity and equal in magnitude to the buzzer noise. The Office Action has asserted that this feature of independent claim 25 would have been obvious to a person of ordinary skill and has attempted to take Official Notice in support of same. Applicant respectfully submits that the Office Action has improperly attempted to rely on conclusions based on an assessment by the Examiner of what would be basic knowledge or common sense in the relevant art. Such reliance is improper in the absence of sufficient supporting evidence. Applicant respectfully submits that the Examiner must point to some concrete evidence in the record in support of the assertion by the Office Action that this feature of independent claim 25 is obvious. *See, e.g., In re Zurko*, 59 U.S.P.Q.2D 1693 (Fed. Cir. 2001). Applicant respectfully submits that this evidence has not been presented and requests that it be presented by the Examiner. If further elaboration of this point is deemed necessary or appropriate by the Examiner, Applicant respectfully requests that the Examiner contact the undersigned via telephone.

For at least the reasons set forth above, Applicant respectfully submits that independent claim 25 distinguishes over the cited combination. Withdrawal of the rejection of independent claim 25 as obvious is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 16, 2005

Respectfully submitted,

By 
Ross T. Robinson

Registration No.: 47,031
JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202
(214) 855-4500
Attorneys For Applicant